

BEFORE THE OFFICE OF THE COMMISSIONER OF RAILROADS

STATE OF WISCONSIN

In the Matter of the:

Petition of the Wisconsin Department of Transportation for the Establishment of Two Public Crossings of the Iowa, Chicago & Eastern Railroad Corp. Tracks with Fisher Creek Trail Access in the City of Janesville and with Virginia Street (AKA Tripp Road) in the Town of Rock, Rock County

9105-RX-6

FINAL DECISION

By letter dated October 18, 2004, the Wisconsin Department of Transportation (DOT) submitted a revised petition for the establishment of two public crossings of the Iowa, Chicago & Eastern Railroad Corp. (ICE) tracks with Fisher Creek Trail Access in the City of Janesville and Virginia Street (Tripp Road) in the Town of Rock, Rock County.

Jurisdiction: Secs. 195.28 and 195.29, Stats.

Pursuant to due notice, public hearing was held in this matter on December 1, 2004 in Madison, Wisconsin with hearing examiner Thomas Running presiding.

On December 29, 2004, the hearing examiner issued a proposed decision. On January 6, 2005, the DOT filed comments generally supporting the proposed decision. The DOT did request several changes to the proposed decision:

Proposed Findings of Fact (Page 2, Second paragraph): Revise "water treatment plant" to "waste water treatment plant". Also, revise from "proposes" to "proposed" in the second to last sentence.

Recommendation #6: Replace "Town of Rock" with "City of Janesville on behalf of the Town of Rock"

Recommendation #7: Replace "Town of Rock" with "City of Janesville on behalf of the Town of Rock"

Recommendation #9: Advance warning signs for "parallel tracks" should be installed along the bike trail at the Fisher Creek crossing, not Afton Road.

By letter January 13, 2005, the Iowa, Chicago & Eastern Railroad Corp. filed comments opposing the establishment of these two crossings. The railroad simply asserted a general opposition to the establishment of any new crossings on its tracks. The Commissioner is not persuaded by this general statement.

The railroad also objected to the proposed warning devices at both crossings and proposed that a fenced maze be installed. With regard to the Virginia Street crossing, the railroad requested that the paths be separated from the roadway to deter bicyclists from using the roadway crossing. With regard to the Fisher Creek Access the railroad proposed that removable concrete or timber crossing surfaces be ordered. The proposed decision did not specify a crossing surface, but the Commissioner will not require the installation of a concrete surface. A full timber plank crossing would be an acceptable alternative to a timber-plank and asphalt surface. The Commissioner is not persuaded that a fenced maze is necessary at either crossing.

Last, the railroad objected to the requirement that it maintain the crossings. The railroad states that the crossings have no benefit to the railroad. Wisconsin state law mandates that the railroad maintain all at-grade crossings. See, 86.12 Stats.

The Commissioner notes that the railroad did not appear at the hearing where it would have had the chance to explain its various positions and provide supporting testimony.

The Commissioner finds the requested changes by DOT to be reasonable. With these changes, the Commissioner adopts the proposed decision as final.

Appearances:

Parties

Wisconsin Department of Transportation, Petitioner
by
Kim Tollers
Railroad Coordination Specialist
PO Box 7914
Madison, Wisconsin 53707-7914

and

Strand Associates
by
Matthew A. Yentz
Project Manager
910 W. Wingra Drive
Madison, Wisconsin 53711

In Support:

City of Janesville
by
Tom Presny
Parks Director
17 N. Franklin Street
Janesville, Wisconsin 53548

Rock Trail Coalition
by
Dean Paynter
2939 Afton Road
Janesville, WI 53548

No Appearance by the Iowa, Chicago & Eastern Railroad Corp.

Findings of Fact

THE COMMISSIONER FINDS:

The DOT proposes to establish two public crossings of the Iowa, Chicago & Eastern Railroad Corp. tracks with Fisher Creek Trail Access in the City of Janesville and Virginia Street (Tripp Road) in the Town of Rock, Rock County. The DOT and the City of Janesville plan to construct the Rock River Parkway Trail and the Loch Lomond Connector Trail in 2005.

As part of that project, DOT and the City propose to establish a public recreational trail crossing known as the Fisher Creek Access, which would be a spur off the main trail to a parking lot. The Virginia Street (Tripp Road) crossing is currently a private vehicular crossing that provides access to the Janesville waste water treatment plant. The City of Janesville and the Town of Rock propose to convert this crossing to a public crossing that would provide access to another trail parking lot. No physical changes are proposed for the Virginia Street crossing. The existing private crossing number for Virginia Street is 388 151N / MP 42.34.

The purpose of the project is to construct a bicycle/pedestrian path to provide a safer, direct link between the City of Janesville, the Loch Lomond neighborhood, and the Deerfield neighborhood and provide another segment of the overall Rock Trail.

This path will ultimately link neighborhoods throughout Janesville from the far south end to the north end as well as both east and west sides of the Rock River. This path will provide a useful new route for commuting bicyclists, pedestrians, and recreational users. The path begins at the intersection of Afton Road and Virginia Street, locally known as Tripp Road, and heads east within the Town of Rock along Tripp Road, crosses the active ICE rail line, then enters into the City of Janesville limits and utilizes an abandoned railroad bed parallel to ICE, currently owned by the City of Janesville. The path then continues north along the former railroad bed to the south side of the STH 11 Janesville bypass, then east along the bypass to cross under the existing Rock River Bridge. Once under the bridge, the path parallels the STH 11 Janesville bypass back west to the former railroad bed and continues north along the former railroad bed to the Rockport Park Connector.

The railroad currently operates 4 train movements per week over the proposed crossing locations at a speed of 25 mph.

Fisher Creek Trail Access

A proposed access path connector also crosses the ICE mainline track approximately 2000 feet north of Hanover Road at an unofficial crossing location. The crossing is located adjacent to an existing parking lot and is currently used by trail users and as an access point to the dog park.

The Fisher Creek Access path typical section generally consists of two 5-foot asphaltic pavement travel lanes and two 2-foot shoulders. The shoulders will typically be grass but will be paved through the Fisher Creek Access crossing. The alignment of the path connector crosses the track at an angle of 82.1 degrees.

Average daily bicycle and pedestrian traffic is projected to vary seasonally with as many as 200 users per day during the summer months. The path was designed using a 20 mph design speed.

According to the AASHTO, *Guide for the Development of Bicycle Facilities*, the safe bicycle stopping distance at 20 mph is between 120' and 140'. Visibility of an approaching train from the safe stopping distance of 147' will be between 30' and 116'. This is substandard for train speeds up to 25 mph. Given this condition, the DOT recommended that stop signs be installed at the track crossing.

At all crossings, except those with gates, a driver stopped 15' short of the near rail must be able to see far enough down the track, in both directions, to determine if sufficient time exists for moving their vehicle safely across the tracks to a point 15' past the far rail, prior to the arrival of a train. Required clearing sight distance along both directions of the track, from the stopped position of the vehicle, is dependent upon the maximum train speed and the acceleration characteristics of the "design" vehicle. The necessary clearing sight distance at the Fisher Creek Trail Access crossing is 250'. The available clearing sight distance is under the stopped condition is greater than 360' in all quadrants.

The exposure factor at this crossing will be 400 on days when trains operate and about 230 on average. The exposure factor equals the product of the number of trains per day and the number of highway vehicles per day, which yields a numerical value for the potential conflicts each day at the crossing.

Crossbucks, advance warning signs, 'stop ahead' signs, pavement markings, and stop signs will adequately protect public safety.

In summary, the establishment of the crossing at-grade of the Iowa, Chicago & Eastern Railroad Corp. tracks with the Fisher Creek Access will promote public safety and convenience by establishing crossing at a location where bicyclists and pedestrians currently cross the track at an unimproved location.

Virginia Street (Tripp Road)

The path will be on street utilizing the existing 24-foot-wide asphaltic pavement surface and two 2-foot shoulders for the Virginia Street crossing. Virginia Street intersects the tracks at an angle of 81.5°. The crossing consists of one mainline track. The existing roadway crossing is a private crossing that serves the Janesville wastewater treatment plant. A gate will be placed across the roadway just east of the driveway to the trailhead parking lot. The crossing has a 43' long rubber crossing surface. No physical changes are proposed at this crossing.

Average daily bicycle and pedestrian traffic is projected to vary seasonally with as many as 500 users per day during the summer months. The path was designed using a 20 mph design speed.

According to the AASHTO, *Guide for the Development of Bicycle Facilities*, the safe bicycle stopping distance at 20 mph is between 120' and 140'. Visibility of an approaching train from the safe stopping distance of 140' is limited to 46' in the southwest quadrant and 72' or less in all quadrants. The existing private crossing has crossbucks and stop signs for warning devices.

A motorist traveling at 25 mph needs a distance of 187' to stop safely. Assuming a train speed of 25 mph, a driver traveling at 25 mph needs to see a train when it is 250' from the crossing from a point 187' down the highway. The sight distance available in each quadrant from the safe stopping distance is inadequate.

At all crossings, except those with gates, a driver stopped 15' short of the near rail must be able to see far enough down the track, in both directions, to determine if sufficient time exists for moving their vehicle safely across the tracks to a point 15' past the far rail, prior to the arrival of a train. Required clearing sight distance along both directions of the track, from the stopped position of the vehicle, is dependent upon the maximum train speed and the acceleration characteristics of the "design" vehicle. The necessary clearing sight distance at the Virginia Street crossing is 255'. Under the existing stopped condition, however, the visibility of an approaching train from the stop bar location is greater than 500' in all quadrants.

The exposure factor at this crossing will be about 1000 on days when trains operate and about 570 on average.

Crossbucks, advance warning signs, 'stop ahead' signs, pavement markings, and stop signs will adequately protect public safety. The existing stop signs and crossbucks are adequate, except that retroreflective white shall be attached to the front and back of each post.

In summary, the establishment of the crossing at-grade of the Iowa, Chicago & Eastern Railroad Corp. tracks with Virginia Street (Tripp Road) will promote public safety and convenience by providing public access to the trailhead parking lot at a reasonably safe location.

Source of funding: The project shall fund 100% of the costs for the crossing work.

Ultimate Conclusions on the Issues

THE COMMISSIONER CONCLUDES:

1. That the establishment of the crossing at-grade of Fisher Creek Trail Access with the Iowa, Chicago & Eastern Railroad Corp. tracks in accordance with the design plans of the Wisconsin Department of Transportation in the City of Janesville, Rock County will promote public safety and convenience.
2. That the establishment of the crossing at-grade of Virginia Street (Tripp Road) with the Iowa, Chicago & Eastern Railroad Corp. tracks in the Town of Rock, Rock County will promote public safety and convenience.
3. That the establishment of each crossing is advisable under all the circumstances.
4. That in order to adequately protect and promote public safety, it is necessary to install and maintain crossbucks, advance warning signs, 'stop ahead' signs, pavement markings, and stop signs at the Fisher Creek Trail Access crossing.
5. That in order to adequately protect and promote public safety, it is necessary to install and maintain crossbucks, advance warning signs, and stop signs at the Virginia Street (Tripp Road) crossing.
6. That it is reasonable that the Iowa, Chicago & Eastern Railroad Corp. bear no part of the cost for the crossing construction.

Conclusion of Law

THE COMMISSIONER CONCLUDES:

That the jurisdiction of the Office of the Commissioner of Railroads under §§195.28 and 195.29, Stats., extends to this matter. Accordingly, the Office enters an order consistent with the findings of fact.

Order

THE COMMISSIONER ORDERS:

1. That the **Iowa, Chicago & Eastern Railroad Corp.** shall install and maintain a crossing at-grade of **Fisher Creek Trail Access** with its tracks in accordance with the design plans of the Wisconsin Department of Transportation in the City of Janesville, Rock County by **August 1, 2005**.

2. That the crossing at-grade of **Virginia Street (Tripp Road)** with the **Iowa, Chicago & Eastern Railroad Corp.** tracks shall be established as a public crossing and be maintained by the Iowa, Chicago & Eastern Railroad Corp.

3. That the **Iowa, Chicago & Eastern Railroad Corp.** shall install and maintain retroreflective back-to-back crossbucks with 2" wide reflective vertical strips on the front and back of the support posts on each approach to the crossing of its tracks with **Fisher Creek Trail Access** at-grade in the City of Janesville, Rock County by **August 1, 2005**.

4. That the **Iowa, Chicago & Eastern Railroad Corp.** shall install and maintain 2" wide reflective vertical strips on the front and back of the crossbuck support posts on each approach to the crossing of its tracks with **Virginia Street (Tripp Road)** at-grade in the Town of Rock, Rock County by **August 1, 2005**.

5. That the **City of Janesville** shall install and maintain stop signs on separate posts on each approach to the crossing of the Iowa, Chicago & Eastern Railroad Corp. tracks with **Fisher Creek Trail Access** at-grade in the City of Janesville, Rock County by **August 1, 2005**.

6. That the **City of Janesville on behalf of the Town of Rock** shall maintain stop signs on separate posts on each approach to the crossing of the Iowa, Chicago & Eastern Railroad Corp. tracks with **Virginia Street (Tripp Road)** at-grade in the Town of Rock, Rock County by **August 1, 2005**.

7. That the **City of Janesville on behalf of the Town of Rock** shall install and maintain advance warning signs (sign W10-1) at a distance from the **Virginia Street (Tripp Road)** crossing in accordance with the Manual on Uniform Traffic Control Devices (MUTCD) on each approach by **August 1, 2005**.

8. That the **City of Janesville** shall install and maintain advance warning signs (sign W10-1) and "stop ahead" signs at a distance from the **Fisher Creek Trail Access** crossing in accordance with the Manual on Uniform Traffic Control Devices (MUTCD) on each approach by **August 1, 2005**.

9. That the **City of Janesville** shall install and maintain a "parallel tracks" advance warning sign [Sign W10-2, 3, or 4 in the MUTCD] at a distance in accordance with the MUTCD on the main trail in each direction by **August 1, 2005**.

10. That the **City of Janesville** shall install and maintain pavement markings on each approach to the **Fisher Creek Trail Access** crossing by **August 1, 2005**.

11. That the **Iowa, Chicago & Eastern Railroad Corp.** shall bear no part of the cost of the crossing construction, except for any cost assessed to the railroad pursuant to §195.60, Stats., for the investigation of this matter by the Office. The railroad shall not pass on those assessment costs either directly or indirectly.

12. That jurisdiction is retained.

Dated at Madison, Wisconsin, _____.

By the Office of the Commissioner of Railroads.

Rodney W. Kreunen
Commissioner of Railroads

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